

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

ADAM STUPAK,

Defendant.

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Criminal No. 04-10367-DPW

**MOTION TO FURTHER CONTINUE SENTENCING  
FROM MARCH 15, 2007 TO A DATE AFTER JUNE 18, 2007  
(Assented To)**

Now comes the United States of America, by and through its attorney, Michael J. Sullivan, and requests the Court to continue the sentencing of the defendant, Adam Stupak, in this case from March 15, 2007 to a date after June 18, 2007, for the following reasons:

1. The defendant, Adam Stupak, has entered into a Plea Agreement with the government which requires him to, among other things, cooperate fully with law enforcement agents and government attorneys, and requires that he testify truthfully and completely before any grand jury, and at any hearing and trial in this and any related cases. The defendant's cooperation is not yet complete and will not be at least until sometime in mid to late May, 2007.
2. In his Plea Agreement, the defendant waived any rights he may have to prompt sentencing and agreed to join in any requests by the U.S. Attorney that sentencing be postponed until Defendant's cooperation is complete, in order to enable the Court to have the benefit of all relevant sentencing information.
3. As part of his plea agreement with the United States, the U.S. Attorney reserved the right to make a motion pursuant to U.S.S.G. § 5K1.1 for a downward departure

based upon Mr. Stupak's substantial assistance. At present, the defendant's cooperation is not complete and will not be complete at least and until he testifies in a pending case, *United States v. John Bruens, et al.*, Criminal No. 05-10102-JLT, in which he is a key witness. The trial in that case is scheduled to begin on April 17, 2007 and is expected to last 4-5 weeks.

4. The undersigned Assistant U.S. Attorney, who is lead counsel in the *Bruens* case, has a prepaid vacation out of the country set to begin on June 4<sup>th</sup> and will return to the office on June 18<sup>th</sup>. Upon her return she will need time to prepare for the sentencing.
5. The Presentence Report in this case has been prepared, but does not include any information concerning the defendant's substantial assistance or the government's motion pursuant to U.S.S.G. § 5K1.1 for a downward departure, which the government will not be in a position to file until after the *Bruens* trial. The government will then be in a better position to detail for the court the nature and extent of Mr. Stupak's substantial assistance and to present to the Court its recommendation regarding sentencing.
6. The defendant is in the process of retaining new counsel who will need time to familiarize himself or herself with the case.
7. Therefore, the government requests that sentencing in this case be continued until a date after June 18, 2007
8. The parties have conferred pursuant to L. R. 7.1. Defendant's counsel, Joseph Bodoff, assents to this motion.

Wherefore, the United States requests the Court to further continue sentencing in this case from March 15, 2007 until a date after June 18, 2007.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: */s/ Mary Elizabeth Carmody*

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**CERTIFICATION PURSUANT TO L. R. 7.1 (A)(3)**

I hereby certify that on March 2, 2007, the parties conferred and counsel for the defendant assented to this motion.

*/s/ Mary Elizabeth Carmody*

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MARY ELIZABETH CARMODY

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

*/s/ Mary Elizabeth Carmody*

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MARY ELIZABETH CARMODY  
Assistant United States Attorney

Date: March 2, 2007